Frequently Asked Questions about NPDES Draft Permits and Variances for Page, Mullan and Smelterville Wastewater Treatment Plants

October 1, 2002

METALS LIMITS

Question: Why are two sets of cadmium, lead and zinc limits found in the draft permit and fact sheet?

Response Two sets of limits for cadmium, lead, and zinc were included in the draft permit since it is not certain, at this time, what water quality criteria for these metals will be in effect when the permit is finalized. The first set of water quality-based effluent limits are based on the Idaho Department of Environmental Quality's (IDEQ's) current federally approved water quality criteria (i.e., which are based on EPA's Gold Book) for cadmium, lead and zinc. The second set of limits are based on IDEQ's recently adopted site specific criteria (SSC) for the South Fork Coeur d'Alene (SFCDA) River (from Daisy Gulch to the intersection of the North Fork). The SSC was submitted to EPA for federal approval and must be approved by EPA before it can be used within NPDES permits (See Alaska Rule April 27, 2000 at 65 FR 24641). EPA is still awaiting the technical analysis supporting the SSC for the downstream portion of the SFCDA River from Canyon Creek to the mouth of the SFCDA River. The technical analysis for the eight-mile river stretch between Daisy Gulch and Canyon Creek has already been completed and submitted to EPA. EPA is optimistic that it can approve the SSC before the permits are finalized. If this occurs, the final effluent limits will be based upon the SSC. Otherwise, the final effluent limits will be based upon the Gold Book critiera.

OTHER SOURCES IN THE COEUR D'ALENE BASIN

Question: What happened to the mining permits that we commented on last year, were those ever reissued?

Response: The previous (March 28, 2001) draft permits to Coeur Silver Valley and Hecla contained effluent limits for cadmium, lead and zinc based on Wasteload Allocations (WLAs) from the August 18, 2000 Coeur d'Alene River Basin TMDL. The TMDL was developed because the SFCDA River is listed under Section 303(d) of the CWA as not attaining Idaho's water quality standards for heavy metals (specifically, cadmium, lead and zinc). However, on September 6, 2001 (i.e., after the draft mining permits were drafted and made available for public notice) the Coeur d'Alene River Basin TMDL (for state waters only) was declared null and void in Idaho 1st District Court. Because the state of Idaho has appealed this decision to the State Supreme Court and there has not yet been a ruling, the status of the TMDL is uncertain as to state waters. The TMDL, therefore, is no longer the basis for the permit limits.

Without the TMDL, cadmium, lead, and zinc limits were recalculated based upon both the current federally approved water quality criteria (i.e., Gold Book) and newly state adopted SSC. These recalculated limits will be public noticed in revised draft permits for the Coeur and Galena Mine facility and the Lucky Friday Mine facility in the near future.

Question: The wastewater treatment plants (WWTPs) are insignificant sources of metals to the SFCDA River. What is EPA doing to address the other sources in the Basin?

Response: Individual sources of metals pollution to the Coeur d'Alene River may appear insignificant when looking at their contribution to the entire system. That is one reason why, where a river is impaired, all sources of metals should be reduced to make progress toward the river meeting water quality standards. EPA is reissuing permits to the WWTP since the CWA requires that point source dischargers apply and obtain an NPDES permit before discharging to waters of the United States. The draft permits for the WWTPs are expected to result in correcting the WWTPs inflow and infiltraion (I/I) problems which will result in a redcution of metals. The draft permits are one part of a larger effort to improve water quality in the Coeur d'Alene basin, as discussed below.

In addition to reissuing the permits for these WWTPs, EPA is also taking other actions to improve water quality in the Basin:

The EPA issued NPDES permits to the Cities of Coeur d'Alene, Hayden, and Post Falls in October 1999. These permits are for discharges to the Spokane River and contain effluent limits for cadmium, lead and zinc based on Idaho's current water quality criteria.

A plan to meet the TMDL allocations and state water quality standards for contaminants of concern from the Central Treatment Plant (CTP) was issued in

November 2001. The CTP plan, developed by the Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), contains conditions that are at least as stringent as those in an NPDES permit.

The mine adits and waste piles in the basin (as well as the permitted Caladay adit) will be addressed through Superfund's basin-wide cleanup process. The remaining sources in the Basin (other nonpoint source discharges) are covered by the Superfund program in their Record of Decision (ROD) for Basinwide cleanup. The ROD was signed/issued in September 2002.

VARIANCES

Question: What are variances and how do they affect the requirements that the WWTP's have to meet?

Response: A variance is a period of time where water quality effluent limits do not apply and during which progress is made towards meeting the final water quality-based limits. They are allowed under 301(g) of the CWA and 40 CFR 122.21(n) so long as the permit applicant demonstrates that attaining water quality standards is not feasible for one of the reasons in 40 CFR 131.33(d)(3).. Because the WWTPs have demonstrated that if they were to install treatment to remove metals there would be adverse economic impacts to the communities, they qualify for water quality standard variances. This type of variance limited to the term of the permit. EPA's Interim Economic Guidance was followed in making this determination and EPA's Regional Economist reviewed the economic data and information to concur with this determination. A number of factors where considered in the assessment, including: 1) the average total pollution control cost per household, 2) the median household income and 3) the unemployment rate.

If the variances are granted, the WWTPs will have five years to meet water quality standards for cadmium, lead and zinc. As a condition of granting the variances, the permittees must 1) sustain their current level of metals removal; 2) identify possible treatment of metals, and 3) identify and eliminate significant amounts of inflow and infiltration (leaky pipe problems, basically).

Question: Why is EPA proposing to issue the variances and not IDEQ?

Response: The proposed variances are federal actions because the cold water beneficial use for the South Fork (which is the basis for the water quality standards for cadmium, lead, and zinc) was designated by federal rule on July 31, 1997. This federal rule included a federal variance procedure to obtain relief from the use designation. Since then the State has adopted the coldwater beneficial use designation for the

SFCDA River and sent this to EPA for approval. EPA anticipates removing the federal rule thereby allowing future variances for dischargers to the SFCDA River to be issued/renewed by IDEQ. IDEQ has reveiwed the draft variances for the WWTPs

Question: Isn't the variance term of five years insufficient for these WWTPs to comply with water quality standards for these metals, can the variance be extended?

Response: Renewal of a variance is possible. It requires a showing that a variance is still needed and warranted. The facility must demonstrate that reasonable progress towards attaining the water quality standard(s) has been occurring and that the adverse economic impacts would still happen if treatment were to be installed.

Question: Why was a variance not granted for copper from the Page Plant?

Response: Based on the information which was provided to EPA by the Page facility there was no basis or demonstration showing that removing copper from the Page discharge would cause adverse economic impacts. The facility will need to investigate and determine the source of the copper and determine if it can be controlled at the source. Therefore, EPA has determined that the facility has not adequately demonstrated the need for a variance for copper at this time. IDEQ plans to certify a compliance schedule for copper which would allow the facility time to come into compliance with the copper limits. The compliance schedule would provide Page a defined amount of time (not to exceed five years) to achieve the final limits. Alternatively, the permittee can also work with EPA to better define the case for obtaining a variance.

INFLOW AND INFILTRATION CORRECTION

Comment: How will the inflow and infiltration correction work be paid for by the WWTPs?

Response: EPA recognizes the tough economy situation facing the Silver Valley and that this is a difficult time for the communities to be facing new requirements. The EPA used the flexibility allowed by the CWA in the draft permits by proposing to issue variances. In addition, Idaho DEQ has indicated that it will establish compliance schedules where appropriate for some of the other new water quality-based limits. Although responsibility for achieving compliance with operating permits is ultimately up to the permittees, the EPA is aware that the South Fork Coeur d'Alene River Sewer District (the entity that is responsible for the Page and Mullan plants) has a $5.5 million bond to make improvements to their collection systems and treatment plant. It is likely that the satellite communities, not owned by the District but discharging to the Page WWTP, will need to make upgrades before I/I can be eliminated or lessened.